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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,604	09/25/2003	Kenichi Morinaga	010482.52788US	1421
23911	7590	06/22/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			SEVER, ANDREW T	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/669,604	MORINAGA, KENICHI	
	Examiner Andrew T. Sever	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 April 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1,6-10 and 15-17 is/are pending in the application.  
4a) Of the above claim(s) 6-9 and 15-17 is/are withdrawn from consideration.

5)  Claim(s) 1 is/are allowed.

6)  Claim(s) 10 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 14 April 2005 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date . . . .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . . .

**DETAILED ACTION**

1. Claims 6-9 and 15-17 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 11/03/2004

Applicant should advise the office when presenting only allowable claims how applicant wishes for the above claims 6-9 and 15-17 to be treated. Failure to respond will result in the claims being cancelled upon the application becoming allowable.

***Claim Objections***

2. Claim 10 objected to because of the following informalities: Claims “the mounting portion” there is insufficient antecedent basis for this. Appropriate correction is required.

Applicant claims “the mounting portion” having specific limitations, however claim 10 which is independent does not claim a mounting portion prior to the last paragraph.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levis et al. (US 5,902,033) in view of Lee (US 6,773,118.)

Levis teaches in figure 1, a light tunnel structure (15) in an image displaying projector for producing an optical image by means of the light guided therein through the tunnel from a lamp (10) on an imaging device, wherein the light tunnel comprises a tubular portion with an opening provided at both ends (see column 4 line 64 through column 5 line 30 also see column 9 line 6 through column 10 line 11), which receives the light from the lamp at one end opening thereof, and guides the light as it reflects on an inner side of the tubular portion, and releases it from the other end opening of the tubular portion, and an image projection engine body arranged to support the light tunnel and the imaging device, wherein

The tubular portion is made of a thin metal sheet bent into a tubular form, and having an inner side processed with a reflective mirror coating (see column 9 line 67 through column 10 line 11.)

Levis teaches in column 2 lines 13-21 that mounting prior art solid light tunnels made of glass required special expensive and delicate mounting, which Levis implies that the metal light guide of Levis does not, however Levis does not teach what form the mounting for Levis' novel light tunnel takes. Lee teaches in figure 3a a mounting structure (brackets 26 and 27) for a hollow light tunnel (232). As taught in column 4 lines 40-64, Lee's light tunnel is made of glass and the brackets are made of metal and attached via adhesive. Lee teaches in column 4 lines 20-34 that the light pipe is attached to image projection engine body via screws and screw holes and as can clearly be seen from figure 2b Lee's engine body includes positioning recesses for determining the position of the light tunnel. Lee teaches in column 2 lines 63-65 that this mounting system of Lee allows for better positioning and adjusting of the light tunnel as well as better heat dissipation (due to the brackets being made of metal) and accordingly since it is desirable to be able to adjust the alignment of the light tunnel as well as dissipate the heat generated in it, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mounting system of Lee in the image displaying projector including a novel light tunnel as taught by Levis.

***Allowable Subject Matter***

5. Claim 1 is allowed.

See applicant's arguments for reasons for allowing claim 1.

***Response to Arguments***

6. Applicant's arguments filed 4/14/2005 have been fully considered but they are not persuasive.

Applicant argues that the combination of Levis in view of Lee would not render the teaching of an integral mounting portion obvious. The office accepts this argument with regards to claim 1, however with regards to claim 10 the limitation that the mounting member and light guide are integral is not present and accordingly the rejection of claim 10 has been repeated and is made final.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS



JUDY NGUYEN  
SUPERVISORY PATENT EXAMINER